

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18, 20-31, and 36 are pending in this case. Claims 1, 13, 18, 20, and 31 are amended and new Claim 36 is added by the present amendment and add no new matter. For example, amended Claims 1, 13, 18, 21, and 31 and new Claim 36 are supported by the specification at page 2, lines 6-16 and page 10, lines 11-12.

In the outstanding Office Action, Claims 1-5, 7-9, 11-14, 18, 20-24, 26-28, 30, and 31 were rejected under 35 U.S.C. §103(a) as unpatentable over Bradshaw, Jr. (U.S. Patent No. 6,236,854) in view of Wellard et al. (U.S. Patent No. 5,862,477, hereinafter “Wellard”) and further in view of Zamat (U.S. Patent No. 6,321,068). Claims 6 and 25 were rejected under 35 U.S.C. §103(a) as unpatentable over Bradshaw, Jr. and Wellard in view of Zamat and further in view of Pelech et al. (U.S. Patent No. 6,243,585, hereinafter “Pelech”). Claims 10 and 29 were rejected under 35 U.S.C. §103(a) as unpatentable over Bradshaw, Jr. and Wellard in view of Zamat and further in view of Jennings, III (U.S. Patent No. 6,173,191, hereinafter “Jennings”). Claims 15-17 were rejected under 35 U.S.C. §103(a) as unpatentable over Bradshaw, Jr. and Wellard in view of Zamat and further in view of Feng (U.S. Patent No. 5,374,936).

Applicants and Applicants’ representatives thank Examiner Ly for the courtesy of the interview granted to Applicants’ representatives on September 25, 2007. During the interview, differences between the claims and the cited references were discussed. Examiner Ly agreed that proposed amended claims may overcome the rejection of record. These amendments are presented herewith.

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Bradshaw, Jr. in view of Wellard and further in view of Zamat, that rejection is respectfully traversed.

Amended Claim 1 recites:

performing a measurement phase in which a calibration signal is successively broadcasted by each network device and in which *all respective other network devices receiving said calibration signal directly from a broadcasting network device measure the received signal quality*;
performing a reporting phase in which the *measurement results are directly wirelessly transmitted from each network device to the network device creating said topology map*; and
performing a creating phase in which said topology map of the network is created within the network device creating said topology map on basis of all received measurement results.

The outstanding Office Action cited Figure 1 and column 4, lines 9-13 of Bradshaw, Jr. as describing creating a topology map and Figure 1 of Bradshaw, Jr. as describing mobile network devices provided for direct wireless communication in-between each other.¹

However, Figure 1 of Bradshaw, Jr. does **not** show mobile network devices provided for direct wireless communication in-between each other, but instead shows a plurality of mobile stations 102, 104, and 106 in **indirect** communication with each other through the base stations 110 and 126. The outstanding Office Action apparently cited paths 1, 2, 3, 4, 5, and 6 on Figure 1 of Bradshaw, Jr. as direct communication paths, but Bradshaw, Jr. clearly states that these are **virtual** communication paths:

As may be seen, the controlling party and the three subject parties are in a four-way conference call. FIG. 1 illustrates a plurality of **virtual** communication paths 1, 2, 3, 4, 5 and 6 to illustrate that each mobile station is in communication with the other mobile station in a conference call.

With respect to the **true** communication paths, **mobile station (MS) 102 is in communication with base station 110**

¹See the outstanding Office Action at page 3, lines 9-14.

through antenna 112 over communication link 114. BS 110 also is in communication with MS 104 and MS 106 through communication link 116 and 118, respectively.²

Accordingly, it is respectfully submitted that Bradshaw, Jr. does not teach or suggest “all respective other network devices receiving said calibration signal *directly* from a broadcasting network device measure the received signal quality” or “measurement results are *directly* wirelessly transmitted from each network device to the network device creating said topology map” as recited in amended Claim 1. Further, it is respectfully submitted that neither Wellard nor Zamat teach or suggest this feature either.

Further, column 4, lines 9-13 of Bradshaw, Jr. states:

The network as shown in FIG. 1 is for illustrative purposes. It should be understood that the invention may be implemented in any different network arrangement and that the invention is not limited to the network topology illustrated in FIG. 1.

Thus, this section of Bradshaw, Jr. does not teach or suggest the creation of *any* topology map by *any* of mobile stations 102, 104, or 106, it is simply describing Figure 1 as an exemplary topology map for the disclosed invention. In fact, it is respectfully submitted that none of Bradshaw, Jr., Wellard, and Zamat teach or suggest a mobile station creating a topology map, much less “*creating said topology map on basis of all received measurement results*” as recited in Claim 1.

Thus, since none of Bradshaw, Jr., Wellard, and Zamat teach or suggest a wireless network with *direct* mode traffic between mobile terminals, and since none of these documents teaches or suggests *creating a topology map in a mobile terminal* on basis of all received measurement results, Claim 1 (and Claims 2-12 dependent therefrom) is patentable over Bradshaw, Jr. and Wellard in view of Zamat.

²Bradshaw, Jr., column 3, lines 54-66.

Amended Claim 13 recites in part:

means for broadcasting a calibration signal *directly* to the other network devices;
means for measuring a power level of calibration signals received directly from a broadcasting network device;
means for internally storing results of said measurement; and
means for *directly* wirelessly transmitting said measurement results to another network device.

As noted above, Bradshaw, Jr. does not teach or suggest direct wireless communication between mobile stations. Thus, it is respectfully submitted that Bradshaw, Jr. does not teach or suggest “means for measuring a power level of calibration signals received *directly* from a broadcasting network device” and “means for *directly* wirelessly transmitting said measurement results to another network device” as recited in amended Claim 13. Consequently, it is respectfully submitted that amended Claim 13 (and Claims 14-17 dependent therefrom) is patentable over Bradshaw, Jr. and Wellard in view of Zamat.

Independent Claims 18, 20, and 31 recite similar elements to Claim 1. Accordingly, Claims 18, 20, and 31 (and Claims 21-30 dependent therefrom) are patentable over Bradshaw, Jr. and Wellard in view of Zamat for at least the reasons described above with respect to Claim 1.

With regard to the rejection of Claims 6 and 25 as unpatentable over Bradshaw, Jr. and Wellard in view of Zamat and further in view of Pelech, it is noted that Claims 6 and 25 are dependent from Claims 1 and 20, respectively, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that Pelech does not cure any of the above-noted deficiencies of Bradshaw, Jr., Wellard, and Zamat. Accordingly, it is respectfully submitted that Claims 6 and 25 are patentable over Bradshaw, Jr. and Wellard in view of Zamat and further in view of Pelech.

With regard to the rejection of Claims 10 and 29 as unpatentable over Bradshaw, Jr. and Wellard in view of Zamat and further in view of Jennings, it is noted that Claims 10 and

29 are dependent from Claims 1 and 20, respectively, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that Jennings does not cure any of the above-noted deficiencies of Bradshaw, Jr., Wellard, and Zamat. Accordingly, it is respectfully submitted that Claims 10 and 29 are patentable over Bradshaw, Jr. and Wellard in view of Zamat and further in view of Jennings.

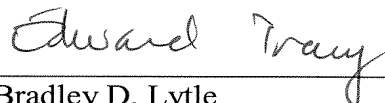
With regard to the rejection of Claims 15-17 as unpatentable over Bradshaw, Jr. and Wellard in view of Zamat in view of Feng, it is noted that Claims 15-17 are dependent from Claim 13, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 13. Further, it is respectfully submitted that Feng does not cure any of the above-noted deficiencies of Bradshaw, Jr., Wellard, and Zamat. Accordingly, it is respectfully submitted that Claims 15-17 are patentable over Bradshaw, Jr. and Wellard in view of Zamat in view of Feng.

New Claim 36 is supported at least by the specification at page 9, lines 11 and 12. As new Claim 36 depends from Claim 20, new Claim 36 is believed to be patentable for at least the reasons described above with respect to Claim 20.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Edward W. Tracy, Jr.
Registration No. 47,998